IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5849 OF 2006

Mehndi Hasan Akbar Ali vs. Kamptee Citizens Education & Cultural Society & Ors.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : D.D. SINHA AND
B.P. DHARMADHIKARI, JJ.
OCTOBER 18, 2007.

Heard Shri Shelat, learned counsel for the petitioner and Shri Deopujari, learned Assistant Government Pleader for respondent No. 3.

The limited grievance which is canvassed by the learned counsel for the petitioner in the present writ petition is that the Education Officer – Respondent No.3 has not complied with the direction No.5 issued by the School Tribunal vide judgment dated 28.4.2006. The direction given by the School Tribunal in the said order reads thus :

“If the respondents No. 1 and 2 fail to comply above directions within given time, then Respondent No.3 - Education Officer is

hereby directed to deduct the amount of back wages and costs from grants payable to the management either at present or in future, for being paid directly to the appellant."

Shri Shelat, learned counsel for the petitioner has submitted that vide above referred direction No.5, if the management (i.e. Respondents No.1 & 2 before the School Tribunal) failed to comply with the directions given by the School Tribunal in clauses 2, 3 and 4, in that event the Education Officer was directed to deduct the amount of back wages and costs from the grants then payable to the management or payable in future, and was required to pay the same amount directly to the petitioner. It is contended that since the management failed to comply with the direction issued by the School Tribunal, the Education Officer ought to have paid the amount due and payable, as directed by the School Tribunal, to the petitioner. However, since the Education Officer failed to do so, the petitioner has to approach this Court for appropriate direction.

Shri Deopujari, learned Assistant Government Pleader states that the Education

Officer has already written letter dated 6.10.2006 to the management whereby the details about the amount due and payable to the petitioner were called. However, for want of appropriate instructions from the management, the Education Officer could not disburse the payment to the petitioner.

We have considered the contentions canvassed by the respective parties. In the backdrop of the above referred facts and in view of directions issued by the School Tribunal, there is no reason for the Education Officer to wait inordinately for the communication from the management in respect of the amount which is due and payable to the petitioner, as per the directions of the School Tribunal, since in the order of School Tribunal itself it is made clear that if the management fails to comply with the directions issued by the School Tribunal, the Education Officer to deduct the amount of back wages and costs from the grants payable to the management and directly pay to the petitioner.

In these circumstances, we grant three weeks time to the Education Officer to

get necessary information from the management for the purpose of disbursement of the amount due and payable to the petitioner. However, if the management fails to respond within the said period, in that event, the Education Officer should ascertain on its own, the amount due and payable to the petitioner towards back wages and costs and release the amount payable to the petitioner, without delay by deducting the said amount from the grants payable to the management.

With these observations and directions, present writ petition is disposed of.

A copy of this order duly authenticated by the Court Sheristedar be furnished to the parties.

JUDGE **JUDGE**

*GS.